

H.B. 2073 to Committee on Jurisprudence.
H.B. 2077 to Committee on Intergovernmental Relations.
H.B. 2088 to Committee on State Affairs.
H.B. 2115 to Committee on Finance.
H.B. 2165 to Committee on Finance.
H.B. 2206 to Committee on Criminal Justice.
H.B. 2237 to Committee on Jurisprudence.
H.B. 2271 to Committee on Natural Resources.
H.B. 2363 to Committee on Education.
H.B. 2364 to Committee on Education.
H.B. 2389 to Committee on Economic Development.
H.B. 2394 to Committee on Health and Human Services.
H.B. 2410 to Committee on State Affairs.
H.B. 2413 to Committee on International Relations, Trade,
and Technology.
H.B. 2429 to Committee on Natural Resources.
H.B. 2435 to Committee on Natural Resources.
H.B. 2456 to Committee on Criminal Justice.
H.B. 2477 to Committee on Criminal Justice.
H.B. 2484 to Committee on Natural Resources.
H.B. 2593 to Committee on Jurisprudence.
H.B. 2641 to Committee on Intergovernmental Relations.
H.B. 2715 to Committee on Finance.
H.B. 2716 to Committee on Finance.
H.B. 2720 to Committee on State Affairs.
H.B. 2749 to Committee on Intergovernmental Relations.
H.B. 2750 to Committee on Jurisprudence.
H.B. 2751 to Committee on Jurisprudence.
H.B. 2761 to Committee on Criminal Justice.
H.B. 2778 to Committee on State Affairs.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 10:21 a.m. adjourned until 10:30 a.m. today.

SIXTY-FIFTH DAY (Wednesday, May 12, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Palmer Bowers, Runaway Bay Community Church, Runaway Bay, offered the invocation as follows:

O Lord our God, in whom we move and have our being, be with us today and bless the 17 million residents of this state. Guide and direct the deliberations of the Members of this chamber to the end that life tomorrow will be even better than it is today. This we ask in the name of Christ Jesus our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 1377

On motion of Senator Ratliff and by unanimous consent, Senators Nelson and Shapiro will be shown as Co-authors of S.B. 1377.

CO-AUTHORS OF SENATE BILL 1408

On motion of Senator West and by unanimous consent, Senators Armbrister, Haley, Leedom, Montford, Lucio, Carriker, Madla, and Truan will be shown as Co-authors of S.B. 1408.

CO-SPONSOR OF HOUSE BILL 2626

On motion of Senator Harris of Dallas and by unanimous consent, Senator West will be shown as Co-sponsor of H.B. 2626.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1492

S.B. 1493

S.B. 1494

S.B. 1495

S.B. 1496

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.R. 920 by Ellis Jurisprudence
Encouraging state and regulatory agencies to continue to develop systems and policies and to adopt initiatives consistent with the Administrative Procedures and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), addressing the use of alternative dispute resolution processes in agency programs and agency disputes at all levels.

S.B. 1492 by Montford Finance
Relating to the dedication of certain state revenue to public elementary, secondary, and higher education.

S.B. 1493 by Nelson Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, and financing of the Bridgeport Area Community Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

S.B. 1494 by Patterson Intergovernmental Relations
Relating to the sale of certain park land by certain municipalities.

S.B. 1495 by Madla Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Thelma Area Water District.

S.B. 1496 by Luna Jurisprudence
Relating to the period of duration and operation of certain nonprofit corporations.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

S.J.R. 45

S.B. 179

S.B. 594

S.B. 623

CAPITOL PHYSICIAN

Senator Luna was recognized and presented Dr. J. H. Frederick of San Antonio as the "Doctor for the Day."

The Senate welcomed Dr. Frederick and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

House Chamber

May 12, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 1587** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 2282** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 2771** by a non-record vote.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 510**. The House conferees on **S.B. 510** are: Representatives Counts, Chair; Oakley, Bailey, Allen, and Telford.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 556**. The House conferees on **S.B. 556** are: Representatives Stiles, Chair; Uher, Saunders, Hightower, and Gray.

The House refused to concur with Senate amendments to **H.B. 1374** and requests the appointment of a conference committee. The House conferees on **H.B. 1374** are: Representatives Craddick, Chair; Heflin, Berlanga, Alexander, and Uher.

The House refused to concur with Senate amendments to **H.B. 965** and requests the appointment of a conference committee. The House conferees on **H.B. 965** are: Representatives H. Cuellar, Chair; S. Thompson, Goodman, Puente, and Sadler.

The House refused to concur with Senate amendments to **H.B. 903** and requests the appointment of a conference committee. The House conferees on **H.B. 903** are: Representatives Seidlits, Chair; Eckels, Marchant, Turner of Harris, and Black.

S.B. 6, Relating to Laredo State University. (As amended)

S.B. 141, Relating to determination of demand for and volume of gas in a reservoir.

S.B. 330, Relating to the purposes of public junior and community colleges.

S.B. 362, Relating to the designation of the University of Houston-Victoria as an institution.

S.B. 399, Relating to the validation of the creation of the Siesta Shores Water Control and Improvement District and the district's administration and operation.

S.B. 419, Relating to the University of North Texas.

S.B. 490, Relating to the power of a sheriff's department civil service commission to adopt rules concerning the rights of employees during an internal investigation.

S.B. 541, Relating to the juvenile board of Washington County.

S.B. 614, Relating to definitions and penalties under the Texas Commercial Driver's License Act. (As substituted)

S.B. 631, Relating to the authority of a general-law municipality to provide for the repair and assessment of repairs of bulkheads or other structures.

S.B. 632, Relating to the service areas of certain public utilities.

S.B. 714, Relating to the provision of nutrition for women, infants, children, and the indigent. (As amended)

S.B. 719, Relating to the records of an unsustained complaint or an overturned disciplinary action taken against a fire fighter or police officer in certain municipalities. (As amended)

S.B. 728, Relating to the duties of the Texas Engineering Extension Service.

S.B. 819, Relating to financial assistance programs administered by the Veterans' Land Board.

S.B. 1208, Relating to grading, packing, and inspecting horticultural products. (As amended)

S.B. 1212, Relating to an exemption from open meeting requirements for confidential matters of the Finance Commission of Texas and the State Banking Board.

S.B. 1276, Relating to the terms of court of the 36th Judicial District of Texas.

S.B. 1302, Relating to a gymnasium renovation fee at The University of Texas at Austin.

S.B. 1324, Relating to a qualified exemption of certain students from the Texas academic skills program. (As amended)

S.B. 1361, Relating to the creation of a statutory county court in Kaufman County.

S.B. 1373, Relating to the creation, administration, powers, including taxing powers, duties, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas, and the power of certain entities to contract with the district. (As amended)

S.B. 1388, Relating to the student exchange program established by the Texas Higher Education Coordinating Board.

S.J.R. 34, Proposing a constitutional amendment relating to bonds issued to augment the Veterans' Land Fund and the Veterans' Housing Assistance Fund, to fund the Veterans' Housing Assistance Fund II, and to provide financial assistance to veterans of the state.

S.C.R. 66, Encouraging institutions and systems of higher education to continue and to expand efforts to utilize telecommunications technologies to deliver courses and programs to Texans who need them.

H.B. 74, Relating to certain processes and procedures connected with the registration of voters; providing a criminal penalty.

H.B. 75, Relating to certain election processes and procedures; providing criminal penalties.

H.B. 158, Relating to the adoption of certain emergency rules under the Administrative Procedure and Texas Register Act.

H.B. 251, Relating to a school uniform pilot program.

H.B. 317, Relating to a poll on judicial candidates conducted by a bar association.

H.B. 466, Relating to the regulation of funeral directors and embalmers by the Texas Funeral Service Commission.

H.B. 496, Relating to platting requirements.

H.B. 560, Relating to the payment of certain laborers, workers, and mechanics under public works contracts.

H.B. 663, Relating to the filling of vacancies on the governing bodies of certain municipalities.

H.B. 1099, Relating to the punishment for the offense of false report of an emergency.

H.B. 1103, Relating to the hours of labor and vacation of members of fire departments in certain municipalities.

H.B. 1158, Relating to penalties and interest on property taxes included in certain tax bills returned undelivered to the tax collector by the postal service.

H.B. 1164, Relating to special license plates for peace officers wounded or killed in the line of duty.

H.B. 1198, Relating to eligibility for service retirement under the Texas County and District Retirement System.

H.B. 480, Relating to the punishment for the purchase, possession, or consumption of alcoholic beverages by a minor.

H.B. 1372, Relating to venue for the offense of thwarting the compulsory school attendance law.

H.B. 1417, Relating to hunting, wildlife management, and wildlife management areas.

H.B. 1429, Relating to the payment of subcontractors by a contractor after the receipt of a progress payment.

H.B. 1431, Relating to the Hazard Communication Act, Manufacturing Facility and Public Employer Community Right-to-Know Act, and the Non-Manufacturing Facilities Community Right-to-Know Act; providing separate employee right-to-know and community right-to-know requirements; providing for the collection of fees; and providing administrative, civil, and criminal penalties.

H.B. 1479, Relating to the regulation of optometry and to the continuation and functions of the Texas Optometry Board; providing penalties.

H.B. 1486, Relating to requiring a state agency to consider the total cost to the state of acquiring and operating a vehicle, including fuel consumption costs, when the agency acquires a vehicle.

H.B. 1619, Relating to the conveyance of certain state-owned real property by the Texas Employment Commission and declaring an emergency.

H.B. 1683, Relating to eligibility of a municipality to create an economic development corporation.

H.B. 1718, Relating to work programs for inmates and former inmates of a county jail or state prison.

H.B. 1757, Relating to term of an automobile insurance policy.

H.B. 1815, Relating to payment of vendors by the state.

H.B. 1858, Relating to the transfer of property interests owned in fee or used by easement from a political subdivision to one or more abutting property owners who own the underlying fee simple.

H.B. 1880, Relating to the establishment, certification, organization, and regulation of dental referral plan organizations.

H.B. 1884, Relating to cooperative agreements among hospitals.

H.B. 1886, Relating to the participation of certain woman-owned, minority-owned, and in-state businesses in the issuance of bonds.

H.B. 1899, Relating to the use of a solicitor by certain veterans' organizations; providing criminal and civil penalties.

H.B. 1916, Relating to Sul Ross State University.

H.B. 1944, Relating to certain public retirement systems for police and fire personnel.

H.B. 2056, Relating to The University of Texas at San Antonio.

H.B. 2057, Relating to authorizing the establishment of a campus of a public institution of higher education in the border area of this state.

H.B. 2107, Relating to The University of Texas at El Paso.

H.B. 2134, Relating to payroll deductions for Department of Public Safety employees.

H.B. 2142, Relating to The University of Texas at Brownsville.

H.B. 2149, Relating to Texas A&M University—Corpus Christi.

H.B. 2186, Relating to Texas A&M University—Kingsville.

H.B. 2227, Relating to the regulation of auctioneers.

H.B. 2242, Relating to regulation of certain herbicides; providing penalties.

H.B. 2260, Relating to the transfer of certain programs from the governor's office.

H.B. 2274, Relating to the efficient operation of the state criminal justice system, including the preservation of the Penal Code, creation of criminal offenses, and punishment of offenses.

H.B. 2281, Relating to the acceptance of gifts and grants by the Governor.

H.B. 2293, Relating to trade, commerce and certain related transactions.

H.B. 2308, Relating to eligibility for benefits payable by retirement systems for police officers in certain municipalities.

H.B. 2323, Relating to the authority of a general-law municipality with a population of between 4540 and 4545 to annex adjacent streets, highways, roads, and alleys.

H.B. 2366, Relating to the organization and regulation of the State Department of Education.

H.B. 2396, Relating to the tax rate for rural fire prevention districts.

H.B. 2519, Relating to animal control and enforcement by counties.

H.B. 2537, Relating to the development and use of land over a closed municipal solid waste facility; providing a civil penalty.

H.B. 2555, Relating to issuance of license plates for special and civic events.

H.B. 2562, Relating to Central Texas University.

H.B. 2563, Relating to the transfer of governance of Central Texas University.

H.B. 2662, Relating to standards for long-term care insurance policies.

H.B. 2747, Relating to debt collection; providing a penalty.

H.B. 2814, Relating to the terms of directors of the Seis Lagos Utility District.

H.B. 2844, Relating to the Rusk County Court at Law.

H.B. 2851, Relating to the creation of municipal courts of record in Denton.

H.C.R. 119, Declaring the Texas State Museum of History in Arlington to be the official state history museum of Texas.

H.C.R. 140, Honoring Little Joe y La Familia for the group's singular achievements in the universal medium of music.

H.J.R. 36, Proposing a constitutional amendment to limit the tax rate on the income component of the franchise tax.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

NOMINEE CONFIRMED

Senator Barrientos moved confirmation of RAMON CLASS, Randall County, to be a Member of the Texas Workers' Compensation Commission, who was severed on Monday, May 10, 1993.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 97 WITH HOUSE AMENDMENT

Senator Lucio called S.B. 97 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. 97 as follows:

(1) In Section 2 of the bill on page 3, lines 2 and 3, between the comma that ends line 2 and "supervisory" insert "Texas Department of Mental Health and Mental Retardation personnel who perform on-site services for the Texas Department of Criminal Justice.".

(2) In Section 2 of the bill on page 3, line 14, between the comma and "supervisory" insert "Texas Department of Mental Health and Mental Retardation personnel who perform on-site services for the Texas Department of Criminal Justice.".

(3) In Section 2 of the bill on page 3, line 25, between the comma and "supervisory" insert "Texas Department of Mental Health and Mental Retardation personnel who perform on-site services for the Texas Department of Criminal Justice.".

(4) In Section 2 of the bill on page 4, line 11, between the comma and "supervisory" insert "Texas Department of Mental Health and Mental Retardation personnel who perform on-site services for the Texas Department of Criminal Justice.".

(5) Strike Section 3 of the bill and substitute the following:

SECTION 3. Section 4, Chapter 86, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228f, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. ADMINISTRATION. This Act shall be administered by the State Board of Trustees of the Employees Retirement System of Texas, under rules and regulations adopted by said Board. Proof of death claimed to be violent death in the course of performance of duty of a paid law enforcement officer, paid probation officer, paid parole officer, paid jailer, campus security personnel, member of an organized police reserve or auxiliary unit, custodial personnel of the institutional division of the Texas Department of Criminal Justice, Texas Department of Mental Health and Mental Retardation personnel who perform on-site services for the Texas Department of Criminal Justice [Corrections], supervisory personnel in a county jail, juvenile correctional employee of the Texas Youth Commission, employee of the maximum security unit of the Texas Department of Mental Health and Mental Retardation [Rusk State Hospital for the Criminally Insane], paid fireman, member of an organized volunteer fire department or park and recreational patrolmen and security officer shall be furnished to said Board of Trustees in such form as it may require, together with such additional evidence and information as it may require.

(6) Strike Section 4 of the bill.

(7) Strike existing Section 5 of the bill, substitute the following section of the bill, appropriately numbered, to read as follows, and renumber the remaining sections of the bill appropriately:

SECTION _____. Title 109, Revised Statutes, is amended by adding Article 6228f.1 to read as follows:

Art. 6228f.1. DEATH BENEFIT FOR CERTAIN PUBLIC SERVANTS EMPLOYED BY POLITICAL SUBDIVISION

Sec. 1. APPLICATION. This article applies only to paid law enforcement officers, paid firemen, and supervisory personnel in a county jail, as those persons are defined by Section 2, Chapter 86, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228f, Vernon's Texas Civil Statutes), who are employed by a political subdivision of the state and to the political subdivisions that employ those persons.

Sec. 2. BENEFITS REGARDLESS OF CAUSE OF DEATH. (a) If a paid law enforcement officer or a person appointed as supervisory personnel in a county jail dies, the employing political subdivision shall provide, at no cost, the deceased person's duty weapon, if any, and badge to the person's designated beneficiary, or if there is no designated beneficiary, to the person's estate. Each political subdivision of the state that employs paid law enforcement officers or county jail supervisory personnel shall provide them with a form on which they may designate their beneficiaries for purposes of this subsection.

(b) A political subdivision is not liable for damages caused by the use or misuse of a duty weapon provided to a designated beneficiary or estate under Subsection (a) of this section.

(c) If a paid law enforcement officer, paid fireman, or person appointed as supervisory personnel in a county jail dies and is to be buried in the person's uniform, the employing political subdivision shall provide the uniform at no cost.

(8) Strike existing Section 8 of the bill and substitute the following section of the bill, appropriately numbered, to read as follows:

SECTION _____. The changes in law made by this Act relating to the death of certain public servants apply only to a death that occurs on or after the effective date of this Act. A death that occurred before the effective date of this Act is governed by the law in effect when the death occurred, and that law is continued in effect for that purpose.

The amendment was read.

Senator Lucio moved that the Senate do not concur in the House amendment but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 97 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Lucio, Chair; Brown, Madla, Armbrister, and Shelley.

SENATE RESOLUTION 922

Senator Nelson offered the following resolution:

WHEREAS, May 11 and 12, 1993, are Wise County Days at the State Capitol, and the Texas Senate is pleased to join with the citizens of Wise County in honoring their county's important contributions to our state; and

WHEREAS, Wise County was created in 1856 from Cooke County and was named for United States Senator Henry A. Wise, who was an early settler of the area and favored the annexation of Texas; and

WHEREAS, The land is watered by the Trinity River which bisects the county from northwest to southeast, providing water for the grasslands and agriculture; the county is a leading dairy and cattle region as well as a producer of vegetables, cantaloupes, watermelons, pecans, and grains; and

WHEREAS, Well known for its oil and gas production, Wise County is also an important source of clays, stone, sand, and gravel; and

WHEREAS, Decatur was selected as a townsite and county seat in 1856 and became an important stop for the Butterfield Overland Mail Route in the 1880s; and

WHEREAS, On the traditional town square in Decatur, the Wise County Courthouse was built in 1895 of pink limestone from Burnet and is considered a perfect architectural example of its type and era; and

WHEREAS, The Wise County Heritage Museum houses archives and mementoes of its early history, including Indian artifacts, art, and relics; and

WHEREAS, Proud of its colorful history, residents of the area recreate the bygone days each year as they celebrate Chisholm Trail Days, old settlers reunion, and the Butterfield Stage days; and

WHEREAS, Noted for its wonderful recreational areas and natural beauty, Wise County beckons visitors to Lake Bridgeport and Eagle Mountain Lake which are located in rugged but scenic country; and

WHEREAS, These special days are an appropriate occasion for the Texas Senate to recognize the citizens of Wise County and to commend them for their notable achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby declare May 11 and 12, 1993, as Wise County Days at the State Capitol and join with its residents as they celebrate their county's greatness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Wise County as an expression of the admiration and appreciation of the Texas Senate.

The resolution was read.

On motion of Senator Sibley and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Nelson, the resolution was adopted by a viva voce vote.

(Senator Truan in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1377 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1377, Relating to public school accountability.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1377 on page 16, line 46, by adding a new SECTION 11 as follows and renumbering the current SECTION 11 as SECTION 12 and SECTION 12 as SECTION 13:

SECTION 11. Section 21.9211, Education Code, is amended to read as follows:

(e) The advisory council shall review the rules of the University Interscholastic League and shall make recommendations relating to the rules to the governor, the legislature, the Legislative Council of the University Interscholastic League and to the State Board of Education. The advisory council shall submit its initial report not later than January 1, 1995 [~~September 1, 1990~~].

(g) The advisory council shall study:

(1) University Interscholastic League policy with respect to the eligibility of students to participate in programs;

(2) geographic distribution of University Interscholastic League resources and programs; and

(3) gender equity.

(h) No actions of the University Interscholastic League relating to the provision of additional programs and including reclassification of school districts shall be taken pending submission of a final report by the advisory council.

The amendment was read and was adopted by a viva voce vote.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1377 by adding the following sections appropriately numbered to read as follows and renumbering subsequent sections accordingly:

SECTION _____. Section 11.011, Education Code, is amended to read as follows:

Sec. 11.011. SUNSET PROVISION. The Central Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 1995 [~~2003~~].

SECTION _____. Section 11.62, Education Code, is amended to read as follows:

Sec. 11.62. ORGANIZATION AND REGULATIONS. (a) The State Department of Education shall be organized into divisions and subdivisions established by the commissioner of education [~~subject to the approval of the State Board of Education~~].

(b) Directors of the major divisions of the State Department of Education, and all of its other employees, shall be appointed by the

commissioner of education [~~pursuant to general rules and regulations adopted by the State Board of Education~~].

(c) The rules and regulations pertaining to personnel administration shall include a comprehensive classification plan, including an appropriate title for each position, a description of duties and responsibilities, and the minimum requirements of training, experience, and other qualifications essential for adequate performance of the work. These rules and regulations shall likewise provide [~~tenure safeguards~~] leave and retirement provisions[?] and establish hearing procedures.

SECTION _____. (a) The Select Committee to Conduct a Comprehensive Review of the Central Education Agency is established.

(b) The committee is composed of:

(1) the chairs of the Senate Education Committee and the House Public Education Committee;

(2) two members of the senate, appointed by the lieutenant governor;

(3) two members of the house of representatives, appointed by the speaker of the house of representatives;

(4) one teacher, one principal, and one school district superintendent, appointed jointly by the lieutenant governor and the speaker of the house of representatives; and

(5) four representatives of businesses and communities, at least two of whom have one or more children attending the public schools, appointed jointly by the lieutenant governor and the speaker of the house of representatives.

(c) The chairs of the Senate Education Committee and the House Public Education Committee serve as co-chairs of the committee.

(d) The committee shall conduct an in-depth and comprehensive review of the mission, organization, size, and effectiveness of the Central Education Agency. In conducting its review, the committee shall study the mission, organizational structure, and practices of similar agencies in other states. The review must include:

(1) a study of the agency's success in addressing national education goals adopted by the president of the United States and the nation's 50 governors and the goals for public education provided by Section 2.01, Education Code;

(2) a study of the agency's organizational mission, structure, size, and effectiveness;

(3) a study of the number and effectiveness of committees created under the auspices of the agency or the State Board of Education;

(4) identification of those functions that should be performed by the state and those that should be performed regionally through regional service centers;

(5) a study of the adequacy, validity, and timeliness of data collected and published by the Public Education Information Management System (PEIMS) as provided by Section 16.007, Education Code;

(6) a study of the adequacy and effectiveness of programs designed for special populations of students and for teacher and administrator staff development; and

(7) a study of the adequacy and effectiveness of assistance provided the site-based management teams established under Section 21.931, Education Code.

(e) The commissioner of education shall ensure that the committee has access to any documentation and agency personnel the committee requests.

(f) Meetings of the committee shall be held at the call of the co-chairs.

(g) A majority of the members of the committee constitutes a quorum.

(h) Not later than December 1, 1994, the committee shall issue a report stating the findings of its review under Subsection (d) of this section, including any recommendations for statutory changes. The report must be approved by a majority of the membership of the committee. Any dissenting member may attach a statement to the report.

(i) Staff members of the Senate Education Committee and the House Public Education Committee shall serve as the staff of the committee.

(j) The Legislative Budget Board, comptroller, state auditor, and other state agencies, officials, and personnel shall cooperate with the committee in carrying out its duties under this section.

(k) Each member of the committee is entitled to reimbursement for actual and necessary expenses incurred in performing committee duties. Each legislative member is entitled to reimbursement from the appropriate fund of the member's respective house. Each public member is entitled to reimbursement from funds appropriated to the committee.

(l) The committee expires January 10, 1995.

The amendment was read.

Senator Shapiro offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 3

Amend C.S.S.B. 1377 by amending Floor Amendment No. 2 as follows:

(1) On page 2, line 5, following "Agency" add "and efficient use of educational resources in the state"

(2) On page 3, insert (8) between lines 24 and 25 to read as follows:

(8) a study of the efficient use of state resources, school district structure, and opportunities for shared cost in order to determine the best management and use of state resources and to assist school districts in determining optimum educational opportunities.

(3) On page 4, insert a new (l) between lines 23 and 24 to read as follows and renumber as appropriate:

(l) Committee may coordinate study with any other legislative study.

The amendment to Floor Amendment No. 2 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 2 as amended, the amendment as amended was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 1377, in SECTION 1, in Section 35.041(c), by striking "derived by measuring schools and districts against comparable outcomes"

based on the characteristics of students served" and substitute "derived by measuring campuses and districts against a profile developed from a total state student performance data base which exhibits substantial equivalence to the characteristics of students served by the campus or district".

The amendment was read and was adopted by a viva voce vote.

Senator Shelley offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 1377 by striking existing Section 35.025 and substituting a new Section 35.025 to read as follows:

Sec. 35.025. NOTATION OF PASSING EXIT LEVEL INSTRUMENT: ISSUANCE OF DIPLOMAS TO OTHER STUDENTS. (a) The diploma of a student who has performed satisfactorily on all sections of the secondary exit level assessment instrument must contain a statement, or have a statement affixed, that the student has performed satisfactorily on that instrument.

(b) A school district shall issue a high school diploma to a student who has completed all requirements for graduation but has not performed satisfactorily on all sections of the secondary exit level assessment instrument. The diploma of such a student may not contain or have affixed the statement described by Subsection (a) of this section.

(c) Each time a school administers a secondary exit level assessment instrument, a student who received a diploma from that school under Subsection (b) of this section is entitled to retake each section of the assessment instrument on which the student has not performed satisfactorily. If the student performs satisfactorily on each of those sections, the student shall be issued a diploma as provided by Subsection (a) of this section.

The amendment was read.

Senator Haley offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 to C.S.S.B. 1377 by striking existing Section 35.025 and substituting a new Section 35.025 to read as follows:

Sec. 35.025. NOTATION OF PASSING EXIT LEVEL INSTRUMENT: ISSUANCE OF DIPLOMAS TO OTHER STUDENTS. (a) The diploma of a student who has performed satisfactorily on all sections of the secondary exit level assessment instrument must contain a statement, or have a statement affixed, that the student has performed satisfactorily on that instrument.

(b) A school district shall issue a high school certificate of completion to a student who has completed all requirements for graduation but has not performed satisfactorily on all sections of the secondary exit level assessment instrument.

(c) Each time a school administers a secondary exit level assessment instrument, a student who received a certificate of completion from that

school under Subsection (b) of this section is entitled to retake each section of the assessment instrument on which the student has not performed satisfactorily. If the student performs satisfactorily on each of those sections, the student shall be issued a diploma as provided by Subsection (a) of this section.

HALEY
TRUAN

The amendment to Floor Amendment No. 5 was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as voting “Nay” on the adoption of the amendment.

Question recurring on the adoption of Floor Amendment No. 5 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 1377 as follows:

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. PUBLIC EDUCATION SCHOLARSHIPS

Sec. 21.801. PURPOSE. In order to improve the quality and efficiency of education for all children, to increase the authority, control, and empowerment of all schools, and to promote competition among schools, a system of public free schools may allow all children the freedom to voluntarily choose between attending a public or free school and financially support that choice.

Sec. 21.802. DEFINITIONS. The following definitions apply to this section.

(1) “Public school” means any school that is solely administered, operated, and staffed by governmental employees.

(2) “Free school” means a nongovernmental educational establishment for the general education of elementary and/or secondary students between the general scholastic ages that accepts students funded by the state under this program in lieu of tuition.

(3) “Private school” means a nongovernmental educational establishment that does not accept state scholarships funded by the state under this program in lieu of tuition.

(4) “Educationally disadvantaged” means a student enrolled in the national school lunch program for free or reduced-price lunch.

Sec. 21.803. PARENTAL CHOICE. The Educational Economic Policy Committee shall designate not more than 60 school districts in the state to participate in a public education scholarship program. Notwithstanding any other provision, every school-age child that resides in a participating district and that qualifies as educationally disadvantaged shall be entitled to attend with the public financial aid the public school or free school

chosen for them by their parent, guardian, or custodian, subject to availability. Each child's choice will be registered with the central office of the public school district of his residence in order to obtain public financing. Students may always attend private school at their expense.

Sec. 21.804. FINANCING. Each participating public school district currently existing or hereafter created under the Education Code, shall obtain its public financing as prescribed by law. However, funding formulas for all participating school districts must be based on student attendance and must include all school-age children residing in the district and registering their choice with the district, even if they do not choose to attend school at a public school in their district of residence. The total funding received by each participating district from state and local sources will be divided on a category-of-student basis according to formulas to be adopted by law which may include different amounts for different categories of students. The total per student funding amount, including both state and local funding, per category of student shall constitute the child's public education scholarship. The child's public education scholarship is the entitlement of the child, under the supervision of the child's parent, guardian or custodian, not that of any school of any kind, and shall be paid to the school solely as a means of administrative convenience.

(1) If a child attends a public school, 100 percent of the scholarship shall go to the child's public school district.

(2) If a child is educationally disadvantaged, as defined by the legislature, 80 percent of the child's scholarship shall go to that free school. The remainder of the child's scholarship will go to the public school district the child would otherwise attend on the basis of residence.

Sec. 21.805. CONDITIONS FOR RECEIPT OF FUNDS BY FREE SCHOOLS. (a) Freedom of Religion-The United States Constitution and the Texas Constitution both guarantee the right to the free exercise of religion of the parents and child, through their parent, guardian, or custodian, and such right shall not be abridged by the state or any government official, whether executive, legislative, or judicial. The purpose of this provision is not to aid or inhibit religious education, nor is it to prohibit the free exercise of religion, but to neutrally provide equal educational benefits to all citizens, regardless of religious affiliation or lack thereof.

(b) In order to receive the child's education scholarship allotment, the free school selected by the child must certify to the child's resident public school district that it has complied with the following conditions:

(1) Positions Filled by Lottery - If the school has more applicants than positions, it must fill the positions by lottery. A free school may give preference to current students for the sake of continuity, and preference may be given to students residing in the same household for the sake of custodial convenience.

(2) Limit on Tuition - If the free school accepts any state public education scholarship money, it may charge no individual student more than the amount of the child's scholarship.

(3) No free school accepting state public education scholarship funds may refuse to admit students on the basis of residence, race, national origin, ethnic background, or academic achievement.

Sec. 21.806. NONSTATE ACTION AND FREE SCHOOL AUTONOMY. Nothing in this subchapter shall turn a free school which accepts a child's public education scholarship into an agent or arm of the government, and the conduct of such institution shall be governed by the law governing private conduct, not state action. The purpose of this legislation is to allow maximum freedom to the private sector to respond to educational needs and without excessive government control and shall be liberally construed to that end. Free schools are not subject to any educational regulations or statutes except those hereafter adopted by a two-thirds vote of both houses of the legislature.

Sec. 21.807. ACCOUNTABILITY. All students attending public or free schools shall be required to take standardized testing as required by state law. The results of the tests shall be published and copies of the statewide scores shall be made available for parental inspection at each public or free school. Private schools may participate in testing if they desire.

Sec. 21.808. LEGISLATIVE AUTHORITY. The legislature may promulgate only those laws which are necessary and essential to the effective implementation of this section, consistent with its express provisions and purpose. Such laws, if any, will be subject to strict scrutiny by the courts for the preservation of educational freedom.

Sec. 21.809. REPORT TO LEGISLATURE. The Educational Economic Policy Center shall report to the legislature on the success of the education scholarship program not later than January 1, 1995.

SECTION 2. The Educational Economic Policy Center shall implement the education scholarship program provided for under this Act beginning with the 1993-1994 school year.

The amendment was read.

POINT OF ORDER

Senator Luna raised a point of order that Floor Amendment No. 7 addresses private schools and C.S.S.B. 1377 addresses public schools; the amendment was therefore not germane to the bill.

On motion of Senator Wentworth and by unanimous consent, Floor Amendment No. 7 was withdrawn.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1377 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1377 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.B. 66	H.B. 2182
H.B. 502	H.C.R. 96
H.B. 800	H.C.R. 136

MESSAGE FROM THE HOUSE

House Chamber
May 12, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 866, Relating to the conveyance of certain state-owned real property in Wilson County.

H.B. 1156, Relating to the regulation of motor carriers.

H.B. 1803, Relating to the regulation of on-premise signs by certain municipalities.

H.B. 2822, Relating to the creation of consumer incentive or rebate programs for appliances and equipment fueled by alternative fuels.

S.B. 291, Relating to the administration of a statewide plan for child support by the attorney general's office and awards of costs in Title IV-D cases. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 7 ON SECOND READING

Senator Ratliff asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 7, Relating to public school education and finance. (Submitted by Governor as an emergency matter)

There was objection.

Senator Ratliff then moved to suspend the regular order of business and take up C.S.S.B. 7 for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Henderson, Leedom.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 7 as follows:

(1) In Section 1 of the bill, strike amended Section 16.052, Education Code, and substitute the following:

Sec. 16.052. OPERATION OF SCHOOLS; TEACHER PREPARATION AND STAFF DEVELOPMENT. (a) Each school district must provide for not less than 180 days of instruction for students and not less than three days of preparation for teachers for each school year, except as provided in Subsection (c) of this section.

(b) Each school district must provide for not less than 20 hours of staff development training under guidelines provided by the commissioner of education. The training provided must include technology training and must occur during regular hours of required teacher service. On the request of a teacher, a school district may credit the teacher compensatory time to be applied toward the number of training hours required under this subsection for workshops, conferences, or other professional training that the teacher has attended.

(c) The commissioner of education may approve the operation of schools for less than the number of days of instruction and teacher preparation otherwise required when disasters, floods, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of the school.

(d) Each school district may reserve three hours of the first preparation day provided each school year under Subsection (a) of this section for faculty staff meetings.

(2) In Section 1 of the bill, strike amended Sections 16.055-16.057, Education Code, and substitute the following:

Sec. 16.055. COMPENSATION OF PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL. (a) A school district must pay each employee who is qualified for and employed in a position classified under the Texas Public Education Compensation Plan set forth in Section 16.056 of this chapter not less than the minimum monthly base salary, plus increments for teaching experience, specified for the position.

(b) Contracts for personnel shall be made on the basis of a minimum of 10 months' service, which must include the number of days of instruction for students and days of preparation for personnel required by Section 16.052 of this code. The days of preparation required under Section 16.052(a) of this code ~~herein~~ shall be conducted by local boards of education under rules and regulations established by the State Board of Education that are consistent with the state accreditation standards for program planning, preparation, and improvement. Personnel employed for more than 10 months shall be paid not less than the minimum monthly base pay plus increments for experience for each month of actual employment. Personnel employed for 11 months at pay grades 1-11 must

render 202 days of service, and personnel employed for 12 months at pay grades 1-11 must render 220 days of service. Personnel employed for 11 months at pay grades 12-18 must render 207 days of service, and personnel employed for 12 months at pay grades 12-18 must render 226 days of service. However, the number of days of service required by this subsection may be reduced by the commissioner under Section 16.052(c) of this code, and the reduction shall not reduce the total salaries of personnel.

(c) Notwithstanding Subsection (b) of this section, a vocational agriculture teacher employed for 12 months shall render 226 days of service regardless of pay grade.

Sec. 16.056 TEXAS PUBLIC EDUCATION COMPENSATION PLAN.

(a) School district personnel who are qualified for and employed in positions described in Subsection (d) of this section shall be paid not less than the monthly base salary, plus increments for teaching experience, set forth in Subsection (c) of this section, or greater amounts provided by appropriation.

(b) Each individual shall advance one step per each year of experience until step 10 is reached. For each year, up to a maximum of two years, of work experience required for certification in a vocational field, a vocational teacher who is certified in that field is entitled to salary step credit as if the work experience were teaching experience.

(c) SALARY SCHEDULE BY STEPS

0	1	2	3	4	5	6	7	8	9	10
1700	1814	1928	2042	2156	2270	2384	2498	2612	2726	2840

(d) The following positions are entitled to the minimum monthly salary set by Subsection (c) of this section for the number of annual contract months specified:

No. Months Paid	Class Title
10	Nurse, R.N. and/or Bachelor's Degree
10	Special Education Related Service Personnel (other than Occupational or Physical Therapist), Bachelor's Degree
10	Teacher, Bachelor's Degree
10	Vocational Teacher, Bachelor's Degree and/or Certified in Field
12	Librarian I, Bachelor's Degree
10	Visiting Teacher I, Psychological Associate, Bachelor's Degree
10	Special Education Related

	Service Personnel (other than Occupational or Physical Therapist), Master's Degree
10	Teacher, Master's Degree
10	Vocational Teacher, Master's Degree
11	
12	
10	Librarian II, Master's Degree
10	Physician, M.D.
10	Teacher, Bachelor of Laws or Doctor of Jurisprudence Degree
10	Teacher, Doctor's Degree
10	Special Duty Teacher, Master's Degree
10	Occupational Therapist
10	Physical Therapist
10	Educational Diagnostician
10	Visiting Teacher II, Master's Degree
10	Counselor I, Psychologist
10	School Social Worker
10	Supervisor I
10	Part-time Principal—11 or fewer teachers on campus
10	Instructional/Administrative Officer I
10	Assistant Principal—20 or more teachers on campus
10	Instructional/Administrative Officer II
11	Principal—19 or fewer teachers on campus
10	Instructional/Administrative Officer III
11	Principal—20-49 teachers on campus
11	Instructional/Administrative Officer IV
11	Principal—50-99 teachers on campus
12	Principal—100 or more teachers on campus
12	Instructional/Administrative Officer V

12	Instructional/Administrative Officer VI
12	Superintendent—District with 3,000 or less ADA
12	Instructional/Administrative Officer VII
12	Superintendent—District with 3,001-12,500 ADA
12	Instructional/Administrative Officer VIII
12	Superintendent—District with 12,501-50,000 ADA
12	Superintendent—District with 50,000 or more ADA

(e) With the approval of the State Board of Education, the commissioner of education may add additional positions and months of service to the Texas Public Education Compensation Plan to reflect curriculum and program changes authorized by law. With the approval of the board, the commissioner shall also develop policies for the implementation and administration of the compensation plan.

(f) Each person employed in the public schools of this state who is an educational aide, teacher trainee, or nondegree teacher or who is assigned to a position classified under the Texas Public Education Compensation Plan must be certified according to the certification requirements or standards for each position as established by rule adopted by the State Board of Education. However, additional certification may not be required of a person holding a valid state license as a speech language pathologist or audiologist. Persons other than those holding such a license may only be employed to render such services if an acceptable licensed applicant is not available.

(g) The State Board of Education shall prescribe the general duties and required preparation and education for educational aides, teacher trainees, and nondegree teachers and for the positions listed in Subsection (d) of this section under the circumstances described therein.

(h) In determining the placement of a teacher on the salary schedule under Subsection (c) of this section, a district shall credit the teacher for each year of experience, whether or not the years are consecutive. Notwithstanding the provision of this subsection, no teacher shall be placed on the salary schedule at a step above the step where the teacher would have been placed had that teacher remained in continuous service.

Sec. 16.057. CAREER LADDER SALARY SUPPLEMENT.

(a) Except as provided by Subsection (c) of this section, each teacher on level two, three, or four of a career ladder is entitled to the following annual supplement in addition to the minimum salary set by this subchapter:

Level 2	\$2,000
Level 3	\$4,000
Level 4	\$6,000

(b) If the district pays more than the state minimum salary prescribed by this subchapter, the teacher is entitled to the career ladder supplement in addition to the amount otherwise paid by the district for the teacher's step.

(c) If the allotment under Section 16.158 of this code that is designated for support of the career ladder will not fully fund the supplements under this section:

(1) the district may reduce the supplements to not less than the following:

Level 2	\$1,500
Level 3	\$3,000
Level 4	\$4,500

or;

(2) provide for stricter performance criteria than that provided under Section 13.302 of this code, subject to the approval of the State Board of Education; or

(3) take action under both Subdivisions (1) and (2) of this subsection.

(3) In Section 1 of the bill, strike amended Section 16.101, Education Code, and substitute the following:

Sec. 16.101. BASIC ALLOTMENT. For each student in average daily attendance, not including the time students spend each day in special education or vocational education programs for which an additional allotment is made under Subchapter D of this chapter, a district is entitled to an allotment of \$2,450, as adjusted under Section 16.158 of this code, [~~\$2,200 for the 1991-1992 school year, \$2,400 for the 1992-1993 school year, \$2,600 for the 1993-1994 school year, and \$2,800 for the 1994-1995 school year and thereafter~~] or a greater amount adopted by the foundation school fund budget committee under Section 16.256 of this code [~~for the 1993-1994 school year and each school year thereafter~~]. A different [~~greater~~] amount for any school year may be provided by appropriation.

(4) In Section 1 of the bill, strike the bracketed Section 16.158, Education Code, and substitute the following:

Sec. 16.158. CAREER LADDER ALLOTMENT. (a) Each district is entitled to an allotment for support of the career ladder equal to its unadjusted average daily attendance multiplied by \$90.

(b) An allotment under this section may be used only for the purposes of career ladder supplements.

(c) From the funds designated for that purpose, the district shall supplement the salary of each teacher above level one on the career ladder. The district shall decide the amount of supplement to be provided at each career ladder level.

(d) Money received under this section may not be used to supplement the salary of an employee for directing cocurricular or extracurricular activities.

(e) The commissioner shall reduce the basic allotment under Section 16.101 of this code by an amount that would result in a reduction of the state's share of the basic allotment sufficient to fund the career ladder allotment under this section.

(5) In Section 1 of the bill, strike amended Section 16.202(4), Education Code, and substitute the following:

(4) transportation and career ladder allotments;

(6) In Section 1 of the bill, strike amended Section 16.302(b), Education Code, and substitute the following:

~~(b) In this section, ["WADA", except as provided by Section 16.206 of this code, is] the number of weighted students in average daily attendance[, which] is calculated by dividing the sum of the school district's allotments under Subchapters C and D of this chapter, less any allotments to the district for transportation, career ladder supplements, or technology and 50 percent of the adjustment under Section 16.102 of this code, by the basic allotment for the applicable year.[;]~~

(7) Strike Section 10 of the bill and substitute the following:

SECTION _____. Subchapter B, Chapter 19, Education Code, is amended by adding Section 19.028 to read as follows:

Sec. 19.028. DETACHMENT AND ANNEXATION TO REDUCE VARIATIONS IN PROPERTY VALUE. (a) To the extent necessary to reduce variations in property value per student among school districts, for each school year, the commissioner of education, with the approval of the foundation school budget committee as provided by this section, shall order the detachment of all or a portion of property from a district and the annexation of the property to one or more other districts as provided by this section, without regard to whether the property is contiguous to the district to which the property is annexed. A detachment and annexation of real property applies to the taxable personal property having taxable situs in the same location as the real property.

(b) The commissioner may detach and annex property under this section only if:

(1) the primary use of the property is not residential, as determined under rules adopted by the commissioner;

(2) the school district from which the property is being detached, before detachment, has a taxable value of property per weighted student in average daily attendance greater than \$280,000 per weighted student in average daily attendance;

(3) the annexation does not result in taxable value of property per weighted student in average daily attendance in the district to which property is being annexed greater than the lowest level for which funds are provided under Subchapter H, Chapter 16, of this code;

(4) the property is not exempt from ad valorem taxation under Section 11.20 or 11.21, Tax Code;

(5) the property is not a building or structure owned by the United States, this state, or a political subdivision of this state that is exempt from ad valorem taxation under law;

(6) the property is not currently devoted to agricultural purposes and in the preceding tax year was not appraised for ad valorem taxation under Subchapter C or D, Chapter 23, Tax Code; and

(7) the detachment and annexation would not subject the property to the debt tax rates of more than two districts in the same tax year as a result of multiple detachments and annexations of the property.

(c) Property may be detached from a school district under this section only to the extent that, in accordance with a determination of the commissioner, permits the district, by imposing an effective tax rate of \$1.50 on the \$100 valuation of taxable property to the district's taxable value of property, to have available the same amount of revenue per weighted student in average daily attendance for maintenance and operation of the district, excluding reserves for facilities and costs of contributions under this section, that the district spent in the 1992-1993 school year.

(d) In making a determination under this section, the commissioner shall consider the likelihood that the property would need to be transferred again, so that further detachment and annexation of that property may be minimized.

(e) In making a selection among school districts eligible to have property annexed under this section, the commissioner shall give priority to school districts in the following order:

(1) first, to a district contiguous to the detached property;

(2) second, to the district nearest to the detached property and located in the same county;

(3) third, to another district located in the same county as the detached property;

(4) fourth, to a district in which the property would be subject to a tax burden in an amount close to the amount to which the property was subject before detachment; and

(5) fifth, to the nearest district in proximity to the detached property.

(f) The commissioner shall report to the foundation school budget committee a determination of any detachments and annexations of property to be made under this section not later than July 15 of each year. Not later than July 30, the committee shall approve the commissioner's determination or shall specify to the commissioner its objections. Not later than the 10th day after the date on which the commissioner receives any objections from the committee, the commissioner shall submit a revised determination to the committee, and not later than the 10th day after the date on which the committee receives the revised determination, the committee shall respond to the revised determination. The commissioner and the committee shall continue on that schedule until the committee approves a determination. As soon as practicable after approval, the commissioner shall notify each affected school district and property owner and the appraisal district in which the affected property is located of the determination.

(g) A decision or determination of the commissioner or the foundation school budget committee under this section is final and not appealable. A detachment or annexation action taken under this chapter does not affect a decision of the commissioner under this section. The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) does not apply to a decision of the commissioner or the foundation school budget committee under this section.

(h) If, as a result of detachment of property under this section, the taxable value of property per weighted student in average daily attendance

in a school district is below \$260,000 per weighted student in average daily attendance, the next time the commissioner of education and the foundation school fund budget committee act under Subsection (f) of this section, property shall be annexed to the district to the extent that, after annexation, the taxable value of property per weighted student in average daily attendance does not exceed \$280,000.

(i) For foundation school program funding purposes, detachment and annexation under this section takes effect beginning with the school year that begins in the calendar year in which the detachment and annexation determination is made. A detachment and annexation of property applies to the ad valorem taxation of the property beginning with the tax year in which the detachment and annexation is made. In that tax year, the property is taxable by the school district to which it is annexed and is not taxable by the school district from which it is detached.

(j) A student who is a resident of the area in which the property being detached from a school district is located may choose to attend school in that district or in the district to which the property is being annexed. For purposes of determining average daily attendance under Section 16.006 of this code, the student shall be counted in the district to which the property is being annexed. If the student chooses to attend school in the district from which the property is being detached, the state shall withhold any foundation school funds from the district to which the property is being annexed and shall allocate to the district in which the student is attending school those funds and the amount of funds equal to the difference between the state funds the district is receiving for the student and the district's cost in educating the student.

(k) If, before detachment, the school district from which property is detached has authorized the levy of a tax to pay principal and interest on bonds, the district shall continue to levy that tax on the detached property until the bonds, or refinancing bonds for those bonds, have been retired in accordance with Article VII, Section 3-b, of the Texas Constitution. The district to which the property is annexed may not levy on that property a tax to pay principal and interest on bonds issued before the property was annexed or to refinance bonds issued before the property was annexed. In determining to which district to annex property detached under this section, the commissioner shall consider the extent to which the district from which the property is detached is levying a tax on that property to pay principal and interest on bonds.

(l) The chief appraiser of each appraisal district shall cooperate with the commissioner in implementing this section.

(m) At the request of a person who owns property in the school district to which property is annexed under this section, the district shall send to the person a statement that specifies the portion of the district's tax rate attributable to maintenance and operation of the district and the portion attributable to debt service for the most recent year following annexation and for the last year preceding annexation.

(n) A tax abatement agreement executed by a school district from which property is detached under this section that applies to the detached property applies to the taxation of the property by each school district to

which the property is annexed under this section as if executed by that school district.

(o) For purposes of this section:

(1) the number of weighted students in average daily attendance, calculated in the manner provided by Section 16.302 of this code, is the number estimated by the commissioner for the succeeding school year; and

(2) the taxable value of property is determined as provided by Section 11.86 of this code.

(8) In Section 31 of the bill, proposed Section 825.4051(a), Government Code, strike "or an amount provided by appropriation".

(9) In Section 31 of the bill, proposed Section 825.4051, strike Subsection (c), and substitute the following:

(c) The amount a school district may be required to pay under this section is limited to the lesser of:

(1) the greatest amount that, if subtracted from the amount of revenue generated by the district's current tax rate for maintenance and operation of the district, would provide the district with an amount of revenue equal to the amount that that tax rate would generate if applied to a taxable value of property of \$280,000 per weighted student in average daily attendance; or

(2) the amount that permits the district, by imposing an effective tax rate for maintenance and operation of the district of \$1.50 on the \$100 valuation of taxable property to the district's taxable value of property determined as provided by Section 11.86, Education Code, to have available the same amount of revenue per weighted student in average daily attendance for maintenance and operation of the district, excluding reserves for facilities and costs of contributions under this section, that the district spent in the 1992-1993 school year.

(10) In Section 31 of the bill, proposed Section 825.4051, Government Code, insert Subsection (e) to read as follows:

(e) In this section, the number of weighted students in average daily attendance is calculated in the manner provided by Section 16.302, Education Code.

(11) Add an appropriately numbered section to read as follows and renumber subsequent sections accordingly:

SECTION ____ Section 26.08, Tax Code, is amended by adding Subsections (k), (l), and (m) to read as follows:

(k) Notwithstanding Subsection (a), the voters of a school district may not petition for an election to limit taxes under this section for the 1993 tax year unless the governing body of the school district adopts a tax rate that exceeds the sum of:

(1) the district's effective maintenance rate;

(2) the rate of \$0.08;

(3) the district's current debt rate; and

(4) the rate that, applied to the district's current total value, would impose taxes in an amount equal to the amount of central education district taxes received by the school district for the 1992-1993 school year.

(l) For the 1993 tax year, the rollback tax rate of a school district calculated under Subsection (e) is increased by the rate that, applied to the

district's current total value, would impose taxes in an amount equal to the amount of central education district taxes received by the school district for the 1992-1993 school year.

(m) This subsection and Subsections (k) and (l) expire January 1, 1995.

(12) Strike Sections 3-8, 29, and 30 of the bill and renumber the remaining sections of the bill accordingly.

(13) Strike current Section 32 of the bill and substitute the following appropriately numbered section:

SECTION _____. The following provisions are repealed:

(1) Section 1.05 and Subchapter G, Chapter 20, Education Code; and

(2) Sections 6.061(f), 26.12(e), and 312.002(e) and (f), Tax Code.

(14) In Section 33 of the bill, strike "affected school district" and substitute "affected school district, property owner, and appraisal district".

The amendment was read.

Senator Turner offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 1A

Amend Floor Amendment No. 1 to C.S.S.B. 7 in Section 10, proposed Section 19.028, Education Code, by adding the following after the end of the last sentence of proposed Subsection (a):

To the greatest extent possible, the commissioner shall provide for the detachment or annexation of whole parcels of property. However, the commissioner may detach or annex a portion of a parcel of property separately from the remainder of the parcel if necessary to carry out the purposes of this section, and for that purpose may partition a parcel of property for ad valorem taxation. If portions of a parcel or other item of property are located in different school districts as the result of a detachment or annexation, the parcel or other item of property shall be appraised for taxation as a unit, and the foundation school budget committee, on the recommendation of the commissioner, shall determine the portion of the taxable value of the property that is located in each of those school districts.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the Floor Amendment No. 1:

Floor Amendment No. 1B

Amend Floor Amendment No. 1 to C.S.S.B. 7 in Section 10, proposed Section 19.028, Education Code, by striking proposed Subsection (b)(6) and substituting the following:

"(6) the property is not currently devoted to agricultural purposes and in the preceding tax year was not appraised for ad valorem taxation under Subchapter C or D, Chapter 23, Tax Code, unless detachment and

annexation of that land is a necessary incident to the detachment and annexation of a mineral interest.”.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 1C

Amend Floor Amendment No. 1 to C.S.S.B. 7 in Section 10, proposed Section 19.028, Education Code, by striking proposed Subsection (L) and substituting the following:

(L) The chief appraiser of each appraisal district and the comptroller shall cooperate with the commissioner in implementing this section.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 1D

Amend Floor Amendment No. 1 to C.S.S.B. 7 as follows:

In Section _____, Subchapter B, Chapter 19, Education Code, Section 19.028(c), on page 12, line 23, strike “and” and replace it with the following phrase:

“but including amounts necessary to pay contracted obligations on the lease purchase of permanent improvements to real property entered into on or before May 12, 1993, and excluding”

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 7 by striking Section 38 of the bill and substituting the following:

SECTION 38. (a) This Act applies to taxes imposed on or after January 1, 1993.

(b) Changes in the funding of special education under Section 16.151, Education Code, as amended by this Act, apply beginning with the 1994-1995 school year. Any other change in the funding of public schools and changes in the compensation of school district personnel made by this Act apply beginning with the 1993-1994 school year.

The amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 7 as follows:

Add a new section, appropriately numbered, to read as follows:

SECTION _____. Subchapter 1, Chapter 19, Education Code, is amended by adding Section 19.202 to read as follows:

Sec. 19.202. BOUNDARY ADJUSTMENTS TO ACHIEVE FINANCIAL EQUITY. (a) Any two or more school districts may adjust their boundaries by agreement if at the time the agreement is executed:

(1) the agreement has been approved by the board of trustees of each of the affected school districts;

(2) all district from which property is detached have a wealth per weighted student greater than \$280,000 before adjustment;

(3) the agreement results in all districts to which property is attached having wealth per weighted student equal to or less than \$170,000 per weighted student as recognized by the commissioner of education after adjustment; and

(4) the agreement provides a metes and bounds description of the new district boundaries.

(b) Any agreement made between school districts under Subsection (a) of this section must be approved by the commissioner of education.

(c) If the commissioner approves the agreement, the commissioner shall determine the effective date of the transfer of the property of the districts.

(d) In this section:

(1) "Wealth per student" means the taxable value of property, as determined under Section 11.86 of this code, per student in weighted average daily attendance.

(2) "Weighted students in average daily attendance" has the meaning assigned by Section 16.302 of this code.

The amendment was read and was adopted by a viva voce vote.

Senator Luna offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 7 as follows:

SECTION 14, Sec. 21.032(c) on line 61, page 32, add:

A student who attends at least 85 percent of the program days of a program under this section shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and counselor. During the meeting, the principal, teacher, or counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the

student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student will be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years. A school district that provides a program under this section shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

The amendment was read.

On motion of Senator Luna and by unanimous consent, the amendment was temporarily withdrawn.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 7 as follows:

On page 40 add a new Section 39 to the bill and renumber the remaining section accordingly:

"SECTION 39. Notwithstanding Subsection (c), Section 19.028, Education Code, as added by this act, property may be detached from a school district under this section only to the extent that, in accordance with a determination of the commissioner, the total amount of taxes per weighted student in average daily attendance that the district can impose for maintenance and operation of the district at an effective tax rate of \$1.25 on the \$100 valuation of taxable property applied to the taxable value of property in the district after detachment is not less than the amount of taxes per weighted student in average daily attendance spent by the district in the 1992-1993 school year for maintenance and operation, excluding reserves for facilities. This provision expires August 31, 1994."

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 7 by adding a new SECTION 39 and renumbering the remaining SECTION accordingly, as follows:

SECTION 39. SECTIONS 1 through 35 of this Act expire August 31, 1997.

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 22, Present-not voting 1.

Yeas: Brown, Harris of Tarrant, Henderson, Leedom, Nelson, Patterson, Shapiro, West.

Nays: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Dallas, Luna, Madla, Moncrief, Montford, Parker, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, Whitmire, Zaffirini.

Present-not voting: Lucio.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 7 as follows:

On page 18, strike lines 3-18 and substitute the following for Sec. 16.205:

Sec. 16.205. LIMIT ON ADMINISTRATIVE COSTS. (a) The commissioner of education, by rule, shall determine annually:

(1) an administrative cost ratio for school districts with fewer than 500 students in average daily attendance;

(2) an administrative cost ratio for school districts with 500 to 999 students in average daily attendance;

(3) an administrative cost ratio for school districts with 1,000 to 4,999 students in average daily attendance;

(4) an administrative cost ratio for school districts with 5,000 to 9,999 students in average daily attendance; and

(5) an administrative cost ratio for school districts with more than 10,000 students in average daily attendance.

(b) The commissioner of education may adjust the administrative cost ratio of a district to allow for additional administrative costs required by:

(1) the sparsity of the district; or

(2) students with special needs.

(c) Not later than February 1 of each year, the commissioner of education shall notify all districts of the requirements and standards for determining administrative cost ratios for the following year. Not later than March 1 of each year, Texas Education Agency staff shall conduct a desk audit of prior-year expenditure data available through the Public Education Information Management System (PEIMS) to identify those districts whose administrative cost ratio in the prior year exceeded their adjusted group standard. Districts with an administrative cost ratio in excess of their adjusted group standard shall be notified by March 15 that they have excessive administrative costs and that they are required to reduce these costs to the level of the adjusted group standard for the following school year. Within sixty days of such notification, a district shall respond to the commissioner of education by submitting a description of the district's plan to comply with the standard for the following year or request a waiver from the commissioner of education explaining why the district cannot comply with the standard. Not later than June 30, the commissioner of education shall notify responding districts if further action is needed.

(d) If a school district fails to reduce administrative costs to the level required by this section, the commissioner of education shall deduct from a school district's tier one allotments an amount equal to the amount by which the district's administrative costs exceed the amount permitted by its administrative cost ratio, unless the commissioner has granted a waiver in response to the district's request. The commissioner shall make a deduction under this subsection from the foundation school fund payments to the district in the school year following the school year in which the plan to reduce costs was to be implemented. If a school district does not receive a tier one allotment, the district shall remit an amount equal to the excess to the comptroller for deposit to the credit of the foundation school fund.

(e) The commissioner of education may grant a waiver to a school district that exceeds its administrative cost ratio if the excess is justified by unusual circumstances.

(f) A school district shall include a statement of any amount withheld or remitted under Subsection (d) of this section in the district report card required by Section 21.259 of this code.

(g) In this section:

(1) "Administrative cost ratio" means a school district's administrative costs divided by its instructional costs, expressed as a percentage.

(2) "Administrative costs" are defined as operating expenses made from funds other than federal funds associated with managing, planning, directing, coordinating, and evaluating a school district in accordance with Accounting functions 21 - Instructional Administration, and 41 - General Administration as described in the Financial Accounting Manual for Budgeting, Accounting, and Auditing in Texas Public Schools, Ninth Edition, published by the Texas Education Agency.

(3) "Instructional costs" are defined as operating expenses made from funds other than federal funds associated with teacher/student instruction in accordance with Accounting functions 11 - Instruction, 22 - Instructional Resources and Media, 25 - Curriculum and Staff Development, and 31 - Guidance and Counseling as described in the Financial Accounting Manual for Budgeting, Accounting, and Auditing in Texas Public Schools, Ninth Edition, published by the Texas Education Agency.

(4) "Adjusted group standard" is the acceptable administrative cost ratio for each district as determined in accordance with Subsections (a) and (b) of this section.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 7 in Section 21 as follows:

(1) Strike the description of the provisions of Section 6.03, Tax Code, to be amended and substitute the following:

Section 6.03, Tax Code, is amended by amending Subsections (c)-(e) and adding Subsection (m) to read as follows:

(2) At the end of Section 21, immediately after proposed Section 6.03(e), Tax Code, insert the following:

(m) If a school district participates in an appraisal district in which the only property of the school district located in the appraisal district is property annexed to the school district under Section 19.028, Education Code, an individual who does not meet the residency requirements of Subsection (a) is eligible to be appointed to the board of directors of the appraisal district if:

(1) the individual is a resident of the school district; and

(2) the individual is nominated as a candidate for the board of directors by the school district or, if the taxing units have adopted a

change in the method of appointing board members that does not require a nomination, the school district appoints or participates in the appointment of the individual.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.S.B. 7 as follows:

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. PUBLIC EDUCATION SCHOLARSHIPS

Sec. 21.801. PURPOSE. In order to improve the quality and efficiency of education for all children, to increase the authority, control, and empowerment of all schools, and to promote competition among schools, a system of public free schools may allow all children the freedom to voluntarily choose between attending a public or free school and financially support that choice.

Sec. 21.802. DEFINITIONS. The following definitions apply to this section.

(1) "Public school" means any school that is solely administered, operated, and staffed by governmental employees.

(2) "Free school" means a nongovernmental educational establishment for the general education of elementary and/or secondary students between the general scholastic ages that accepts students funded by the state under this program in lieu of tuition.

(3) "Private school" means a nongovernmental educational establishment that does not accept state scholarships funded by the state under this program in lieu of tuition.

(4) "Educationally disadvantaged" means a student enrolled in the national school lunch program for free or reduced-price lunch.

Sec. 21.803. PARENTAL CHOICE. The Educational Economic Policy Committee shall designate not more than 60 school districts in the state to participate in a public education scholarship program. Notwithstanding any other provision, every school-age child that resides in a participating district and that qualifies as educationally disadvantaged shall be entitled to attend with the public financial aid the public school or free school chosen for them by their parent, guardian, or custodian, subject to availability. Each child's choice will be registered with the central office of the public school district of his residence in order to obtain public financing. Students may always attend private school at their expense.

Sec. 21.804. FINANCING. Each participating public school district currently existing or hereafter created under the Education Code, shall obtain its public financing as prescribed by law. However, funding formulas for all participating school districts must be based on student attendance and must include all school-age children residing in the district and registering their choice with the district, even if they do not choose to attend school at a public school in their district of residence. The total funding received by each participating district from state and local sources

will be divided on a category-of-student basis according to formulas to be adopted by law which may include different amounts for different categories of students. The total per student funding amount, including both state and local funding, per category of student shall constitute the child's public education scholarship. The child's public education scholarship is the entitlement of the child, under the supervision of the child's parent, guardian or custodian, not that of any school of any kind, and shall be paid to the school solely as a means of administrative convenience.

(1) If a child attends a public school, 100 percent of the scholarship shall go to the child's public school district.

(2) If a child is educationally disadvantaged, as defined by the legislature, 80 percent of the child's scholarship shall go to that free school. The remainder of the child's scholarship will go to the public school district the child would otherwise attend on the basis of residence.

Sec. 21.805. CONDITIONS FOR RECEIPT OF FUNDS BY FREE SCHOOLS. (a) Freedom of Religion-The United States Constitution and the Texas Constitution both guarantee the right to the free exercise of religion of the parents and child, through their parent, guardian, or custodian, and such right shall not be abridged by the state or any government official, whether executive, legislative, or judicial. The purpose of this provision is not to aid or inhibit religious education, nor is it to prohibit the free exercise of religion, but to neutrally provide equal educational benefits to all citizens, regardless of religious affiliation or lack thereof.

(b) In order to receive the child's education scholarship allotment, the free school selected by the child must certify to the child's resident public school district that it has complied with the following conditions:

(1) Positions Filled by Lottery - If the school has more applicants than positions, it must fill the positions by lottery. A free school may give preference to current students for the sake of continuity, and preference may be given to students residing in the same household for the sake of custodial convenience.

(2) Limit on Tuition - If the free school accepts any state public education scholarship money, it may charge no individual student more than the amount of the child's scholarship.

(3) No free school accepting state public education scholarship funds may refuse to admit students on the basis of residence, race, national origin, ethnic background, or academic achievement.

Sec. 21.806. NONSTATE ACTION AND FREE SCHOOL AUTONOMY. Nothing in this subchapter shall turn a free school which accepts a child's public education scholarship into an agent or arm of the government, and the conduct of such institution shall be governed by the law governing private conduct, not state action. The purpose of this legislation is to allow maximum freedom to the private sector to respond to educational needs and without excessive government control and shall be liberally construed to that end. Free schools are not subject to any educational regulations or statutes except those hereafter adopted by a two-thirds vote of both houses of the legislature.

Sec. 21.807. ACCOUNTABILITY. All students attending public or free schools shall be required to take standardized testing as required by state law. The results of the tests shall be published and copies of the statewide scores shall be made available for parental inspection at each public or free school. Private schools may participate in testing if they desire.

Sec. 21.808. LEGISLATIVE AUTHORITY. The legislature may promulgate only those laws which are necessary and essential to the effective implementation of this section, consistent with its express provisions and purpose. Such laws, if any, will be subject to strict scrutiny by the courts for the preservation of educational freedom.

Sec. 21.809. REPORT TO LEGISLATURE. The Educational Economic Policy Center shall report to the legislature on the success of the education scholarship program not later than January 1, 1995.

SECTION 2. The Educational Economic Policy Center shall implement the education scholarship program provided for under this Act beginning with the 1993-1994 school year.

The amendment was read.

POINT OF ORDER

Senator Luna raised a point of order that the amendment was not germane to the bill.

The President overruled the point of order.

POINT OF ORDER

Senator Parker raised a point of order that Floor Amendment No. 9 was in violation of Article V, Section 5 of the State Constitution.

On motion of Senator Wentworth and by unanimous consent, Floor Amendment No. 9 was withdrawn.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.S.B. 7 in Section 1 of the bill, by striking proposed Section 16.304, Education Code, and substituting the following:

Sec. 16.304. COMPUTATION OF AID FOR DISTRICT ON MILITARY RESERVATION, SOUTH TEXAS INDEPENDENT SCHOOL DISTRICT, OR [A-F] STATE SCHOOL. State assistance under this subchapter for a school district located on a federal military installation, South Texas Independent School District, or [at] Moody State School is computed using the average tax rate and property value per student of school districts in the county, as determined by the commissioner of education.

The amendment was read.

On motion of Senator Lucio and by unanimous consent, the amendment was withdrawn.

Senator Luna again offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 7 as follows:

SECTION 14, Sec. 21.032(c) on line 61, page 32, add:

A student who attends at least 85 percent of the program days of a program under this section shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and counselor. During the meeting, the principal, teacher, or counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student will be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years. A school district that provides a program under this section shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Brown, Henderson, and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 7 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Henderson, Leedom, Nelson.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills today:

S.B. 1354
S.B. 161
H.B. 493
H.B. 1226
H.B. 1091

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider the following bills today:

S.B. 1492
H.B. 1207

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **H.B. 1686** today.

MEMORIAL RESOLUTION

S.C.R. 92 - By Sims: In memory of the Honorable Carlos C. Ashley, Sr., of Llano.

CONGRATULATORY RESOLUTIONS

H.C.R. 13 - (Barrientos): Declaring Labor Day, September 6, 1993, as "Help Yourself, Buy American Day" in Texas.

H.C.R. 73 - (Zaffirini): Commending the 4th Silver-Haired Legislature for increasing public awareness of the special requirements of the elderly.

S.R. 921 - By Sibley: Congratulating Ortencia Coronado Sabido of Hewitt, who was elected by the Waco League of United Latin American Citizens Council 273 and District 17 as Woman of the Year.

S.R. 923 - By Ellis: Recognizing BLACK EXPO USA, conceived by Jerry Roebuck of New York, for its contributions to African Americans.

S.R. 924 - By Barrientos: Congratulating Mr. and Mrs. Harold Carter of Austin on the occasion of their 40th wedding anniversary.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 1:18 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 12, 1993

CRIMINAL JUSTICE — C.S.H.B. 354, C.S.H.J.R. 23

NATURAL RESOURCES — C.S.S.B. 331

JURISPRUDENCE — C.S.S.B. 1471

ADMINISTRATION — S.B. 1442

STATE AFFAIRS — S.C.R. 79, H.B. 272, H.B. 860, S.B. 958, S.B. 1463

INTERGOVERNMENTAL RELATIONS — S.B. 1382, S.B. 1464

EDUCATION — C.S.S.J.R. 52, C.S.S.B. 345, S.B. 1371, S.B. 1381, H.B. 515, H.B. 603, H.B. 1686, H.B. 2053

ECONOMIC DEVELOPMENT — C.S.H.B. 670, C.S.H.B. 2297

SENT TO COMPTROLLER

(May 12, 1993)

S.B. 931

SENT TO GOVERNOR

(May 12, 1993)

S.B. 24	S.B. 846
S.B. 126	S.B. 885
S.B. 191	S.B. 1022
S.B. 311	S.B. 1144
S.B. 454	S.B. 1160
S.B. 570	S.B. 1322
S.B. 576	S.B. 1362

SIXTY-SIXTH DAY

(Thursday, May 13, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla,